

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14130 of the D.C. Department of Housing and Community Development, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a new residential development and for a variance from the off-street parking requirements (Sub-section 7202.1) to allow the construction of a 122 unit apartment building for the elderly and handicapped in an R-5-A District at the premises 2700 Jasper Street, S.E., (Square 5726, Lot 800).

HEARING DATE: May 16, 1984

DECISION DATE: June 6, 1984

DISPOSITION: The Board GRANTED the application with six CONDITIONS by a vote of 4-0 (Charles R. Norris, William F. McIntosh, Maybelle T. Bennett and Douglas J. Patton to grant; Carrie L. Thornhill not voting, not having heard the case).

FINAL DATE OF ORDER: August 17, 1984

ORDER

By letter dated April 18, 1985, the architect for the applicant requested the Board to waive the requirements of Section 506.2 of the Supplemental Rules of Practice and Procedure before the Board to accept the applicant's request for a modification of the plans approved by the Board in its order dated August 17, 1984. Section 506.2 of the rules requires that a request for modification of plans shall be filed not later than six months after the final date of the written order approving the application. A request for modification of plans in the subject application should, therefore, have been filed by March 17, 1985.

The applicant's architect indicated that although the application for a building permit was filed in a timely manner, the architect did not receive notice that the plans, as submitted, required further Board approval until April 17, 1985. The Chairperson waived the rules to accept the filing of the request for modification of plans.

The subject application was granted by the Board subject to six conditions. Condition No. 1 of the order requires that construction be in accordance with the plans

marked as Exhibit No. 16 of the record. The applicant is requesting permission to modify those plans. The proposed modifications involve increases and decreases in the dimensions originally approved measuring from 3.5 to five inches. The proposed change in dimensions would result in 130.32 square feet of additional building area. The proposed modifications are necessary to conform to the minimum standard interior area requirements of the Federal Housing Administration and to simplify building details. The proposed changes do not increase the building area above the allowable floor area ratio. There was no opposition to the request for modification of plans.

The Board concludes that the proposed modification of the plans previously approved by the Board make no substantial changes in the size, shape or configuration of the project. The increase in building area does not exceed the permitted floor area ratio. The material facts relied upon by the Board relative to the original application are unaffected by the proposed modification of plans.

The Board concludes that the proposed modifications are generally cosmetic in nature. No addition variance relief is required. It is therefore ORDERED that the modification of plans is APPROVED and that the plans marked as Exhibit No. 34A of the record shall be substituted for those plans originally approved by the Board and marked as Exhibit No. 16 of the record. In all other respects, the Board's Order dated August 17, 1984, shall remain in full force and effect.

Decision Date: May 1, 1985

VOTE: 3-0 (William F. McIntosh, Charles R. Norris and Maybelle T. Bennett to approve the modifications; Carrie L. Thornhill not voting, not having heard the case; Douglas J. Patton not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

20 MAY 1985

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14130 of the D.C. Department of Housing and Community Development, pursuant to Sub-section 8207.2 and Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 for a new residential development and for a variance from the off-street parking requirements (Sub-section 7202.1) to allow the construction of a 122 unit apartment building for the elderly and handicapped in an R-5-A District at the premises 2700 Jasper Street, S.E., (Square 5726, Lot 800).

HEARING DATE: May 16, 1984
DECISION DATE: June 6, 1984

FINDINGS OF FACT:

1. The subject site is located on the northeast side of Jasper Street, S.E., between 28th Street on the east and Irving Street on the north. Knox Street forms the northeast boundary of the subject site and Alabama Avenue abuts the site at its northwest corner. The site is in an R-5-A District and is known as premises 2700 Jasper Street, S.E.

2. The subject lot has the shape of an elongated "C" and is stretched diagonally along the southwest side of a hill known as Knox Hill. The average width of the subject lot is 152.67 feet. The lot has an area of 98,866.6 square feet and comprises two-thirds of Square 5726.

3. The subject site is a vacant parcel of land which is bounded on three sides by dead-end and unused street segments, including Irving, Knox and 28th Streets. The entire parcel is separated from the surrounding area by the unused streets and the topography. No traffic uses these streets with the exception of Jasper Street and Alabama Avenue.

4. Access to the property is provided by two circular driveways, one at the main entrance on Jasper Street and the other at the rear entrance on Knox Street. A twenty-five foot wide driveway opening located 280 feet east of the main entrance would provide access to the parking spaces. A forty-five foot long loading berth will be located within the circular driveway at the rear of the building.

5. Jasper Street is a thirty-two foot wide local street. Parking is allowed on both sides of the street.

Alabama Avenue is a forty-foot wide, four-lane minor arterial with an average daily traffic volume of 16,000 vehicles near the site. Parking is restricted on both sides of the street from 7:00 A.M. to 9:30 A.M. and 4:00 P.M. to 6:50 P.M. Irving, Knox and 28th Streets are all thirty-six foot wide local streets. The site is served within two to three blocks by nine Metrobus routes, including the B4, V1, 32, 34, 92, 91, W4 and M18 routes.

6. The neighborhood area surrounding the subject site is zoned primarily R-5-A and is developed with garden apartments. The area is defined by Suitland Parkway on the south, Naylor Road on the northeast and Alabama Avenue on the west. The property immediately surrounding the subject site is vacant. This vacant property has the remains of foundations from previously razed dwellings. Garfield Public School and playing field is located to the west of the site across Jasper Street. The property east of the site has a steep downhill slope. The site of the new 7th District Police Station is south of Jasper Street from the site.

7. The subject property is owned by the National Capital Housing Authority (NCHA) and was formerly the site of the Knox Hill Dwellings. The original Knox Hill Dwellings were built in 1942 as a Lanham Act war housing project containing 250 units. Since the project was built during the war, many of the construction materials did not meet the standards required today. The sub-standard materials, the many maintenance problems experienced, and the overall condition of the buildings led to the decision by the Authority and Department of Housing and Urban Development (HUD) to demolish the project and replace it with new housing.

8. Since the project was demolished in 1968, there have been several plans for replacement projects. The first proposal was for 154 dwelling units on twenty-three acres of land. This project was rejected by the HUD Area Office because of the child population and density of the project. The subsequent proposal for 146 units on 9.5 acres of land was also rejected.

9. It was then decided that a portion of the site should be used for housing for the elderly, as NCHA has no elderly apartment projects located in this area of the city. The NCHA has received funds from HUD for the construction of an elevator apartment building containing 122 one-bedroom units. The site selected for this development, the subject site, is a portion of the original Knox Hill Project site. Due to the R-5-A zoning of the site, the proposed elevator building can be no taller than three stories thus requiring the building footprint to spread out over the site. In order to located the number of units approved for the

project it is necessary to reduce the number of parking spaces on the site. The applicant proposes to reduce the number of parking spaces from the 122 required to thirty-nine standard and three handicapped spaces, or, one space for every three units.

10. The proposed project will be developed under the resources of public housing. The design standards are in conformity with HUD public housing and D.C. Department of Housing and Community Development standards, and the District of Columbia Building Code. The proposed building is composed of 122 one-bedroom units, of which seven are for the handicapped, front desk and lobby, administrative offices and mail rooms, receiving rooms specially located adjoining an elevator, community room with kitchen, craft room, meeting room and lounge, and a central laundry room on the lower floor.

11. The main entrance would face Jasper Street. The service entrance would be on Knox Street. Small recreation and sitting areas would be provided in several outdoor spaces on site. The applicant proposes to provide a key for each occupant which would give access to their apartment and the exit/entrance door on the first floor on the southeast end of the building to the parking lot. There would be security provided for the building, its grounds and its parking areas by the Department of Housing and Community Development security force, a district manager in the building and the city police nearby.

12. The applicant plans to provide landscaping for the site consisting of trees and low shrubs for purposes of screening. The screening will be most intense at the northwest corner of the site where traffic and noise from Alabama Avenue impact the site. The proposed landscaping is a combination of trees and shrubs chosen to add color, accent and shade.

13. The applicant testified that financial constraints and past experience with similar projects were the bases for the site design and amount of parking provided. The proposed residential development for the low-income elderly is subject to the cost constraints of the Federal government. The cost would be designed to keep the rents low enough for the low income senior population. The residents would have an average income of approximately \$4,000 per year.

14. The applicant is seeking a variance from the number of parking spaces required in Sub-section 7202.1 of the D.C. Zoning Regulations. The regulations require one parking space per unit, or 122 parking spaces. The applicant proposes to provide forty-two surface parking spaces, which is a ratio of one parking space per three dwelling units for the development.

15. The proposed development will also require a special exception under Paragraph 3105.42 for a new residential development in the R-5-A District. The Board of Zoning Adjustment has the authority to grant special exceptions pursuant to Sub-section 8207.2 of the D.C. Zoning Regulations, where in the judgment of the Board such special exceptions will be in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said zoning regulations and maps.

16. The Board of Zoning Adjustment has the power to grant area variances provided that the applicant makes a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographic conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

17. The applicant was of the opinion that forty-two parking spaces for the proposed project would be more than adequate. The applicant's past experience has shown little need for parking at projects. As an example the applicant cited the elderly project at Fort Lincoln which only provides one space for every five dwelling units, and Claridge House and Garfield Terrace which have one space for every four units. This amount of parking has been adequate for these developments. The majority of the tenants use public transportation or shuttle buses provided by the Department of Human Services. There are buses which run along Alabama Avenue, less than a block from the proposed building, and shuttle buses will visit the building.

18. Eight sample cases from the DHCD housing projects indicated that the provision of one space for every three units had proven adequate. The residents of the sample projects had not utilized all the spaces provided.

19. The applicant further argued that the spread footprint of the proposed structure in combination with the limited amount of buildable land on the site require the number of parking spaces on site to be reduced. The steep topography of the site limits the buildable area on site. The required 122 parking spaces, if provided, would occupy the entire open area of the site. The land east of the building location has a steep downward slope. The proposed forty-two parking spaces are located on the only flat portion of the site. There is no way to reduce the spread of the building and still meet the height requirements while providing the 122 units specified in the HUD funding agreement.

20. The construction of a parking garage as a part of the proposed structure would be prohibitively expensive. Providing a garage underneath the proposed structure would raise the cost of the building to a level where the DHCD would be unable to build the structure.

21. The persons who occupy units in the building would be chosen from a waiting list of thousands of people. Only when the resident have been chosen would the applicant know how many will have cars.

22. The applicant has attempted to integrate the structure, open space, and parking spaces on the site. If the applicant were to provide the number of parking spaces required, the parking spaces would preclude other amenities on the site such as outdoor recreation and green space. There would be excess parking space on the site that would not be used.

23. The Office of Planning, by report dated May 9, 1984, recommended that the application be approved. The Office of Planning was of the opinion that the applicant had met the requirements of Paragraph 3105.42. The one space to three unit parking ratio proposed is higher than the Department of Public Works recommended one to six ratio in the Parking and Loading Text Amendment case pending before the Zoning Commission. Only one or two custodial persons are expected to visit the site at a given time, and there will not be any medical staff working on the premises. Few residents are expected to drive. The project is consistent with the objectives and goals of the Comprehensive Plan regarding elderly housing. The Office of Planning recommended that approval of this application, be conditioned upon the applicant's plans being amended to conform with the recommendations of the D.C. Department of Public Works and that the applicant indicate alternative means to public transportation the residents can use to access off-site shopping and medical services. The Board concurs with the reasoning of the Office of Planning.

24. The Department of Public Works, by report dated April 4, 1984, evaluated the proposed project. The DPW's findings were that because the apartment building will be reserved for low-income elderly residents, there will be a minimal demand for parking and no significant traffic will be generated by the project. Therefore, the proposed ratio of parking spaces will be adequate to serve the development. The DPW found that the existing transit service to the site will be inadequate to serve the special needs of the resident population. The applicant has expressed a willingness to pursue the available transportation services provided by various D.C. Government agencies and private non-profit organizations, which provide specialized transit services for the elderly and handicapped.

25. The Department also recommended that all circular driveways serving the property should be designed with sixty degree angle openings, instead of the proposed ninety degree driveway openings. A ten foot wide pedestrian refuge island should be provided within the circular driveway at the rear of the building by expanding the existing four foot island to ten feet. The circular driveways should be designed according to Department of Public Works specifications. The driveway serving the parking spaces on Jasper Street should be designed with a ten foot curb radius for more convenient access. The handicapped ramp located in front of the building should be moved to the center of the main entrance to the building.

26. The Board concurs with the findings and recommendations of the DPW as to the existing transit system and access. The Board, as conditioned below, finds that the additional parking spaces to be provided will then be more adequate to serve the development.

27. The District of Columbia Public Schools, by memorandum dated April 13, 1984, reported that the development of this project will impose no problems on the operations and facilities of D.C. Public Schools. The Public Schools did not oppose the acquisition and development of this property.

28. The Department of Housing and Community Development, by memorandum dated April 23, 1984, reported that the DHCD staff had reviewed the application as required by Paragraph 3105.42 of the Zoning Regulations. The proposed apartment building is to be built, utilizing Federal funds, as a facility for low income elderly residents. Since it is part of an overall scheme involving a new police station, family units and public open space, which has the sponsorship of the DHCD, the proposal would be consistent with public policy and appropriate public services will be provided. Consistent with other similar projects for elderly residents, the number of parking spaces called for by the Zoning Regulations is probably greater than those which would actually be needed. The DHCD, therefore, supported the request to reduce the number of required parking spaces. As noted below, the Board does not concur that the number of space proposed initially by the applicant is probably greater than needed.

29. Advisory Neighborhood Commission 8B, by letter dated May 9, 1984, reported that it opposed the application. The primary concern of the ANC related to the application for a variance to reduce the number of parking spaces. It was the position of the ANC that the proposed reduction of required parking spaces would impact upon the surrounding neighborhood in which the available on-street parking is already limited. The ANC noted that the proposed construction is a portion of an overall plan for the area by the D.C. Government which not only owns the subject property

but a substantial amount of the surrounding property. The ANC particularly objected to the piecemeal manner in which the D.C. Government developed plans for the utilization of the property. In order to properly assess the pending application, the ANC requested disclosure of the planned use, including any proposed applications for variances or special exceptions, for the surrounding property also owned by the applicant.

30. The ANC also noted that there does not appear to be any practical difficulty placed upon the owner arising out of a unique or exceptional condition of the property. On the contrary, the property is expansive, and is surrounded, in part, by streets which are presently closed to the public. It was not known whether the applicant has even considered the possibility of converting the presently closed streets to limited access thoroughfares with parking.

31. The ANC had previously recommended that a meeting be conducted between the representatives of the applicant and the ANC in order to attempt to resolve this matter prior to the scheduled hearing date. Such a meeting was scheduled and held on May 9, 1984. At the May 9, 1984, meeting between the ANC and the applicant, the possibility of providing twelve additional parking spaces on site was discussed. The ANC presented a request to the Board at the public hearing of May 16, 1984, that the applicant be required to provide a total of fifty-four parking spaces on-site. The Board concurs with the recommendation of the ANC as to the number of parking spaces to be required.

32. The Rockburne Estates Cooperative Community, by letter dated May 14, 1984, reported that it opposed the application. The Rockburne Estates Cooperative Community was of the same opinion as the ANC that if the variance relief were granted, the parking on the subject site would be inadequate and the result of this inadequacy will impact negatively on the surrounding community generally and Rockburne Estates specifically. The Estates also noted that the city also plans to build on the adjoining site the 7th District police station, a ball field and many three-four bedroom townhouses. The Rockburne Estates is directly across the street from Knox Hill, and would feel the impact of such an increase in parking demand.

33. The Board is required by statute to give great weight to the issues and concerns of the ANC reduced to writing. In addressing these issues and concerns as well as the identical issues expressed by the Rockburne Estate Cooperative Community, the Board finds that an increase of twelve parking spaces will meet the needs of the elderly and the concerns of the opposition. As to the issue of the practical difficulty, the Board does not concur with the ANC that the applicant has not met this burden of proof. The

Board finds that the topography of the site and design constraints imposed by the Federal requirements creates the practical difficulty. The Board further finds that while it undoubtedly would be more advantageous to the ANC to have an entire site under review at one time, there are many factors that make this impossible. The Board has to address only the application before it and over which it has jurisdiction.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception to construct a new residential development in an R-5-A District, and a variance from the off-street parking requirements of the R-5-A District. The granting of the special exception requires that the proposed development satisfy all requirements listed in Paragraph 3105.42 and Sub-section 8207.2 of the Zoning Regulations. The granting of the parking variance relief requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan.

The Board concludes that the applicant has met its burden of proof for the special exception. The proposed 122 unit apartment building for the elderly and handicapped meets all requirements of Paragraph 3105.42 of the Zoning Regulations. The development plans have been submitted to all required city agencies for review and have been basically approved by said agencies. The proposed residential development also satisfies Sub-section 8207.2 of the Zoning Regulations.

The Board further concludes that the applicant has met its burden of proof for a variance from the parking requirements. The applicant has demonstrated a practical difficulty inherent in the steep topography of the subject site. The building footprint will be extended over most of the buildable land on the site in order to comply with the height limitations of the Zoning Regulations and provide the number of units designated in the HUD funding agreement. The remaining buildable land area cannot accommodate the required 122 parking spaces without completely covering the open area on-site. This would preclude the provision of recreation areas and green space on the subject site.

The Board concludes that such extensive coverage of the site in order to provide 122 spaces for the 122 dwelling units is unrealistic. The Board is of the opinion that

senior citizens have less need than a one-to-one ratio of cars-per-dwelling unit. Based on evidence as to the need for parking spaces at other senior citizens buildings and the concerns and recommendation of the ANC and other opposition, the Board will permit the reduction of parking at the site to fifty-four spaces and not the forty-two spaces requested by the applicant.


The Board concludes that, as conditioned below, granting the proposed parking variance will not cause substantial detriment to the public good and that it will not substantially impair the intent and purpose of the zone plan. The proposed parking variance will permit the construction of a senior citizens residence that will serve the community's needs and will provide a mix of recreation space and parking areas on the subject residential site. The Board concludes that it has accorded to the ANC the "great weight" to which it is entitled. Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

1. Construction shall be in accordance with the plans marked as Exhibit No. 16 of the record, except as modified below.
2. The applicant shall provide a total of fifty-four parking spaces on-site.
3. All circular driveways shall be designed with sixty degree angle driveway openings and shall comply with Department of Public Works specifications.
4. The proposed pedestrian refuge island within the circular driveway at the rear of the building shall be ten feet wide.
5. The driveway serving the parking spaces on Jasper Street shall provide a ten foot curb radius for more convenient access.
6. The handicapped ramp located at the front of the building shall be located at the center of the main entrance to the building.

VOTE: 4-0 (Charles R. Norris, William F. McIntosh, Maybelle T. Bennett and Douglas J. Patton to grant; Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: AUG 17 1984

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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